

ED303*

School Education Act 1999

School Education Amendment Regulations (No. 3) 2005

Made by the Lieutenant-Governor and Administrator in Executive Council.

1. Citation

These regulations are the *School Education Amendment Regulations (No. 3) 2005*.

2. Commencement

These regulations come into operation on 1 January 2006.

3. The regulations amended

The amendment in these regulations is to the *School Education Regulations 2000**.

[* *Published in Gazette 29 December 2000, p. 7795-900. For amendments to 13 December 2005 see Western Australian Legislation Information Tables for 2004, Table 4, p. 367, and Gazette 22 July and 2 December 2005.*]

4. Part 2 Division 1A inserted

After regulation 11 the following Division is inserted —

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Division 1A — Provisions relating to year 11 and year 12 options under Part 2 Division 1 Subdivision 1A of the Act

11A. Definition

In this Division —

“**option**” means an option provided for by section 11B(1).

11B. Participation in a single option

For the purposes of section 11C(1), participation by a child in an option is on a full-time basis if the participation is full-time according to the requirements laid down by the provider for participation in the course or employment concerned.

11C. Participation in a combination of options

(1) In this regulation —

“**course**” includes part-time studies at a school.

- (2) For the purposes of section 11C(1), participation by a child in a combination of options is on a full-time basis if the total participation value of all of the options is not less than 100%.
- (3) The participation value of part-time participation in a course or employment is the proportion, expressed as a percentage, that the part-time participation bears to full-time participation in the course or employment.
- (4) The proportion referred to in subregulation (3) is to be determined by the Minister having regard to —
 - (a) the requirements laid down by the provider for participation in the course or employment concerned; and
 - (b) any time spent travelling between providers' locations, to the extent that the Minister considers that the length of time so spent is significant.

11D. Exceptions to requirement for variation or proposed variation of arrangements to be notified

- (1) In this regulation —

“arrangements previously notified” means —

 - (a) arrangements that have been notified to the Minister under section 11D(1); and
 - (b) employment that has been notified to the Minister under section 11H(1) of the Act;

“participation value” has the meaning given by regulation 11C(3).
- (2) This regulation provides for an exception to the requirement under section 11D(4) that notice be given to the Minister of a variation or proposed variation of arrangements previously notified.
- (3) The exception applies where —
 - (a) the variation does not result; or
 - (b) the proposed variation would not result,

in participation in an option or a combination of options ceasing to be on a full-time basis, but only if there is no change of provider or in the participation value of any option.
- (4) The exception in subregulation (3) also does not apply if the variation results, or the proposed variation would result, in a breach of any condition imposed by the Minister under section 11G(5).

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By Command of the Lieutenant-Governor and Administrator,

G. M. PIKE, Clerk of the Executive Council.